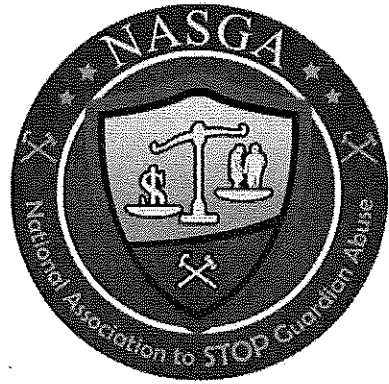




FALK  
~  
NASGA



HB 5361: Chair, Members of the Committee,

Thank you for giving me the opportunity to submit my testimony in favor of HB 5361 today. I am a director of the National Association to Stop Guardian Abuse, and I work with Catherine Falk. Our organizations seek to create recourse for protected persons and families who fall through the cracks in the conservatorship system.

People under the protection of the court have rights removed, and as a result conservators are given a great deal of leverage over them. This is potentially a dangerous situation that leaves families and the protected person in a uniquely powerless situation. Most conservators are good at what they do.

Just as in any profession, however, even if standards are high, (in the case of conservatorships, it would be NGA standards), training does not necessarily guarantee that proper ethics are followed in practice. There are bad doctors, and good ones; bad lawyers and good ones. Conservators, unfortunately, are no exception to this rule, and yet they can't be sued for malpractice if they are acting in "the best interest" of protected person. The "best interest" model does not always prevent conflicts of interest and personal agendas when it comes to making decisions on behalf of someone else, especially when it comes to decisions about who can visit and who cannot.

Professional conservators often point out that families are abusive, but sometimes it's the reverse. No one is perfect. When it comes to protected persons, the playing field is so uneven that many cannot fight back and have no simple way to do it if problems occur. Families go broke just trying to either free a loved one or visit them. People subjected to this abuse are often isolated from loved ones for retaliation or convenience.

Our bill provides a simple way to put a check and balance into the system when improper visitation restrictions occur. This is far less expensive than the cost of outside monitoring of each and every protected person. Regular outside monitoring should be an absolute given when it comes to people without rights, but it isn't --even though the vulnerability of people under conservatorship is far greater than that of the average population.

Many states are overhauling their guardianship/conservatorship programs. They are paying attention to the glaring problems that are continually exposed by the press. Ultimately, the state itself is responsible for the people affected by conservators who are not following standards. We urge you to vote for our bill to help those who have no power to help themselves. It is never in anyone's best interest to be isolated from the people they love.

Thank you--

Marcia Southwick, a director of NASGA